

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 16, 2024

Christopher M. Wolpert  
Clerk of Court

UNIVERSITAS EDUCATION, LLC,

Petitioner/Judgment Creditor -  
Appellee,

v.

AVON CAPITAL, LLC, a Connecticut  
limited liability company,

Respondent/Judgment Debtor,

and

ASSET SERVICING GROUP, et al.,

Respondents/Garnishees.

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AVON CAPITAL, LLC, a Wyoming  
limited liability company,

Intervenor - Appellant.

No. 24-6006  
(D.C. No. 5:14-FJ-00005-HE)  
(W.D. Okla.)

ORDER

Before **MATHESON** and **BACHARACH**, Circuit Judges.

This matter is before the court on a *Motion for Leave to Intervene for Limited Purpose of Seeking Partial Remand Pursuant to FRAP 12.1*. Ryan Leonard, the court-appointed receiver of Appellant Avon Capital LLC-Wyoming (Avon-WY) seeks leave to

intervene in this appeal for the limited purpose of notifying this court of the district court's indicative ruling pursuant to Federal Rule of Appellate Procedure 12.1 and requesting a limited remand so the district court may grant his January 22, 2024 *Motion to Clarify Authority*. Avon-WY opposes the motion.

Upon consideration, the motion to intervene for limited purpose is granted. We accept Mr. Leonard's intervention for purpose of notifying this court of the district court's indicative ruling. *See* Fed. R. App. P. 12.1(a). It is not clear that the district court lacks jurisdiction to grant the *Motion to Clarify Authority* due to this pending appeal. *See* Fed. R. App. P. 4(a)(4). Nevertheless, out of an abundance of caution, and without deciding that issue, we remand to the district court for the limited purpose of ruling on Mr. Leonard's *Motion to Clarify Authority*. *See* Fed. R. App P. 12.1(b). The deadline for Avon-WY to file its opening brief and appendix in this appeal is vacated, and proceedings are abated pending further order of the court. Mr. Leonard shall notify this court in writing within 5 days after the district court rules on his *Motion to Clarify Authority*. *See id.*

Entered for the Court  
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Chief Deputy Clerk